IN THE HIGH COURT OF CHHATISGARH JUDICATURE AT

BILASPUR

W.P. NO. 1867/2001

PETITIONER :- Ashok Kumar Gulhare (O.B.C.) aged 52 years, S/o Gurudayal Gulhare, Supervisor Grade II C.S.E.B. Tifara, R/o Gondpara Bilaspur (C.G.)

Versus

RESPONDENTS :- 1. State of Chhatisgarh, Through Chief Secretary Technical Educatio n- Chhatisgarh at Raipur (C.G.)

2. Director Tech nical Education Mahila Polytechnic Parisar Bairanbazar Raipur 492001 (C.G.)

3. Principal Autonomous (Swashash iya) Engineering College, Bilaspur

4. State of M.P. Through Secretary Lok Swasthya Avam Parivar Kalyan Vibhag Vallabh Bhawan Bhopal (M.P.)

P.R. No. 2020/01 Presented by Shri Atul Pandey dated 25/9/01

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

1) Particulars of the petitioner

As given in the cause title.

2) Particulars of the respondent

As given in the cause title.

gulhare

RECEIVED COPY.

25/9/2001

TO A.G. BILASPUR

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No.1867/2001 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	22.10.2001 Shri Baijnath Pandey learned counsel for the petitioner. Shri Gautam Bhaduri, learned Government Advocate for the respondents ~~No.~~ 1 and 2. Heard Shri Baijnath Pandey, learned counsel for the petitioner who is father of a student called Amit Gulhare, an Engineering student, Autonomous (Swashashiya) Engineering College, Bilaspur. He is now in the third year. The grievance of the petitioner is that the student being a Green Card Holder was allowed free tuition fees. After he has studied two full years, by an order issued by the Additional Director, Technical Education on 2.1.2001 this concession has been withdrawn. This has aggrieved the petitioner. It is contended by Shri Baijnath Pandey that since concession of non-payment of tuition fees in respect of the said student was allowed on the ground that he is a Green Card Holder, mid-way of his studies in the same Institute, the same concession cannot be withdrawn and ~~that~~ should continue, the student should be allowed to enjoy this concession till the end of his studies though such	

[पीछे देखिये

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

policy may be changed in respect of a new entrant into the Engineering College.

Shri Gautam Bhaduri, learned Government Advocate on the other hand submits that the student in the present case has already enjoyed this concession for two years. The State Government in the mean time has taken a policy decision to dis-continue and withdraw such concession. It is submitted that there is no discriminatory application of this concession inasmuch as now every student will have to pay tuition fees including the son of the writ petitioner. According to Shri Gautam Bhaduri, this question of policy taken by the Competent Authority should not be interfered with relying on a decision of Punjab and Haryana High Court vide AIR 2001 Punjab and Haryana page 117, such withdrawal of concession has been held to be had. On scrutiny of the said case, it appears that the said order to withdraw concession was not taken by the Competent State Authority, hence it was held to be had. In the case at hand, the policy decision was taken by the Competent State Authority and it was duly issued by the Additional Director, Technical Education.

As stated above, Shri Baijnath Pandey submits that once concession was allowed it cannot be withdrawn half way and that the student ought to have been allowed to enjoy this concession till completion of

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

26

आदेश पत्रक

मामला क्रमांक W.P.1867/2001 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	(Contd. order dated 22.10.2001) -: 3 :- his studies at the College. As the petitioner has already approached this Court, the Institution has permitted the student to prosecute his studies without insisting on payment of the sum of Rs.10,000/- which is the tuition fees. It is not the case wherein, the petitioner has been asked to refund the concession already allowed. Infact, the petitioner's son has already enjoyed concession for two full academic years. In such a situation and taking into consideration that a policy decision has now been taken by the Competent Authority, it will not be fair for this Court to issue direction that concession should continue till the end of the studies of the petitioner's son. In the result, this petition fails and accordingly it is rejected. ~~Further~~ Hereinafter, I pass no order as to costs. Sd/- Chief Justice ss/-	

[पीछे देखिये